

04/15/02

PC&IM POLICY ALERT
No. 02-18
Definitions for Sealed Bid and Negotiated Procurements

REFERENCE: **Federal Register:** **March 20, 2002 (Vol. 67, No. 54)**
 FAC: **2001-06, Item III**
 FAR Case Number: **2000-403**

TYPE OF ACTION: Final Rule

EFFECTIVE DATE: 04 April 2002

SUMMARY: This final rule clarifies definitions used for sealed bid and negotiated procurements by:

- 1) Moving the definitions of “bid sample” and “descriptive literature” from FAR Part 14 to FAR 2.101 because the definitions apply to more than one FAR part
- 2) Amending those definitions and the definition of “offer” in accordance with plain language guidelines
- 3) Revising applicable provisions in FAR Part 52 to conform with the new definitions
- 4) Adding a new definition for “solicitation” at FAR 2.101
- 5) Providing definitions for “bid” and “bidder” in FAR Part 28
- 6) Distinguishing the terms “prospective offeror” and “potential offeror” in FAR 15.201(f), 15.609(e), and 35.007(g).

ACTION REQUIRED: Contracting officers may wish to review the amended definitions prior to beginning a new procurement. The revised FAR language may be accessed at <http://web2.deskbook.osd.mil/default.asp>

You may direct comments/questions on this Policy Alert to Kristine Hostetler at 303 676 3585 or Nancy Olander at 303 676 3985.